

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Darryl Thompson,)	C/A No. 3:03-3406-JFA
)	
Plaintiff,)	
)	
v.)	ORDER
)	
South Carolina Department of Corrections,)	
)	
Defendant.)	
)	

This matter is before the court for review of the magistrate judge’s report and recommendation (“the report”) made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(D.S.C.).

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court’s review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge’s findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted).

The United States Magistrate Judge has filed a report and recommendation suggesting

that the motion by the defendant for summary judgment be denied.

Both parties were apprised of its right to file objections to the report and recommendation, but neither has done so.

In light of the standard set out above, the Court has reviewed the report and the objections thereto and finds that the report is proper. It is therefore ordered that the report be accepted and that the motion by the defendants for summary judgment be denied. The Report and Recommendation is hereby adopted as the order of this court.

This case shall be tried during the term of court commencing September 7, 2005.

IT IS SO ORDERED.

/s/ Joseph F. Anderson, Jr.
United States District Judge

July 21, 2005
Columbia, South Carolina